

**ORDINANCE NO. 177.40****AN ORDINANCE OF THE CITY OF SPICER, MINNESOTA, ANNEXING  
LAND LOCATED IN GREEN LAKE TOWNSHIP, KANDIYOHI COUNTY,  
MINNESOTA, PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 3,  
PERMITTING ANNEXATION BY ORDINANCE**

**WHEREAS**, the City served Green Lake Town Board and the Chief Administrative Law Judge of the Municipal Boundary Adjustment Unit with a notice of intent to annex by certified mail on April 6, 2012, in the form attached as **Exhibit A**;

**WHEREAS**, the property identified in the notice of intent to annex includes the property legally described in **Exhibit B** (the "Property");

**WHEREAS**, the City and Green Lake Township agreed on annexation terms, including the reimbursement of taxes and differential taxation for property owners;

**WHEREAS**, the Property is unincorporated and abuts the City of Spicer on its eastern boundary; is 60 percent or more bordered by the City; is less than 40 acres; and city water and sewer are available to the property;

**WHEREAS**, the Property is located within a shoreland area; and the City has adopted land use controls that conform with chapter 103F, as required by Minnesota Statutes § 414.033, Subd. 11;

**WHEREAS**, the Property is currently residential and annexation is necessary to facilitate the extension of city services; and

**WHEREAS**, provisions of Minnesota Statutes § 414.033, Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SPICER HEREBY  
ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the Property as hereinafter described abuts the City limits, is 40 acres or less, is 60 percent or more bordered by the City, and is or is about to become urban or suburban in nature.
2. None of the Property is now included within the limits of any city, or in any area that has already been designated for orderly annexation, pursuant to Minnesota Statutes § 414.0325.
3. The corporate limits of the City of Spicer, Minnesota, are hereby extended to include the Property, said land abutting the City of Spicer and being 40 acres or less in area, being 60 percent or more bordered by the City of Spicer, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available.

The Property consists of a total of .58 acres, more or less. Copies of the corporate boundary map showing the Property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto.

4. That the population of the area legally described in **Exhibit B** and hereby annexed is one person.
  
5. The City of Spicer, pursuant to Minnesota Statutes § 414.036, shall make a cash payment to the Town of Green Lake in accordance with the following schedule:
  - a. In the first year following the year in which the City of Spicer could first levy on the annexed area, an amount equal to \$ 90.15;
  - b. In the second year, an amount equal to \$ 72.12;
  - c. In the third year, an amount equal to \$ 54.09;
  - d. In the fourth year, an amount equal to \$ 36.06;
  - e. In the fifth year, an amount equal to \$ 18.03; and
  - f. In the sixth and final year, an amount equal to \$ 9.02.

6. The tax rate for the Property shall be incrementally increased over four years, pursuant to Minnesota Statutes § 414.035, with the following schedule:
  - a. In the first year following the year in which the City of Spicer could first levy on the annexed area, the tax rate for the Property shall be equal to the Township tax rate plus 25% of the difference between the City tax rate and the Township tax rate = Township tax rate + ((City tax rate - Township tax rate) x 25%);
  - b. In the second year following the year in which the City of Spicer could first levy on the annexed area, the tax rate for the Property shall be equal to the Township tax rate plus 50% of the difference between the City tax rate and the Township tax rate = Township tax rate + ((City tax rate - Township tax rate) x 50%);
  - c. In the third year following the year in which the City of Spicer could first levy on the annexed area, the tax rate for the Property shall be equal to the Township tax rate plus 75% of the difference between the City tax rate and the Township tax rate = Township tax rate + ((City tax rate - Township tax rate) x 75%); and
  - d. In the fourth year following the year in which the City of Spicer could first levy on the annexed area, the tax rate for the Property shall be equal to 100% of the City tax rate.

APPROVED BY  
CBA

AUG 16 2012

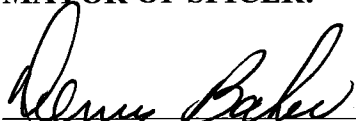
7. There are no special assessments or debt incurred by the Township on the Property for which reimbursement is required, pursuant to Minnesota Statutes § 414.036.

8. That the City Clerk of the City of Spicer is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Kandiyohi County Auditor, and the Green Lake Township Clerk.

9. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.


**PASSED AND ADOPTED** by the City Council of the City of Spicer, Minnesota, this 7<sup>th</sup> day of August, 2012.

**MAYOR OF SPICER:**

  
\_\_\_\_\_

Denny Baker

**ATTEST:**

  
\_\_\_\_\_

City Clerk/Administrator

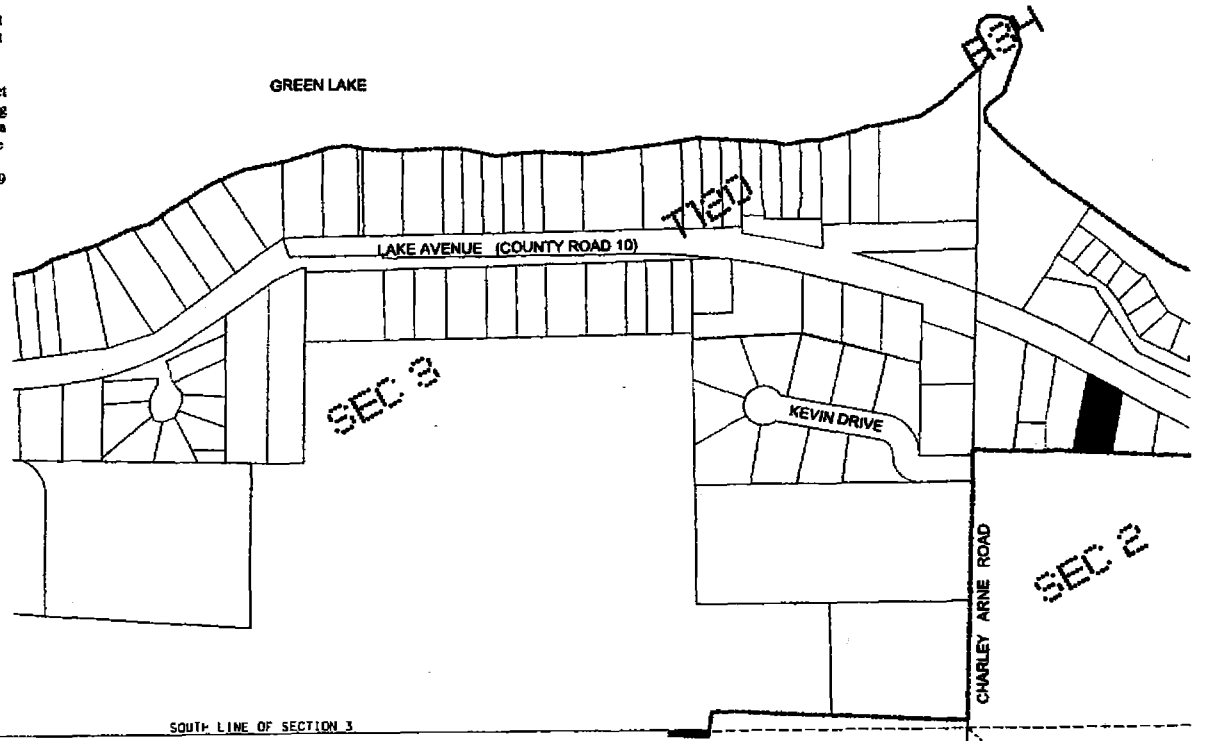
(City Seal)

# ANNEXATION EXHIBIT

PARCEL 1

PART OF SECTION 10 AND SECTION 2, TOWNSHIP 120, RANGE 34, KANDIYOHI COUNTY, MINNESOTA

That part of Lot 2 of Subdivision of Government Lots 4 and 5 of Section 2, Township 120, Range 34, described as follows, to-wit: Commencing at a point in the center line of the County Road as established prior to 1963, which point is distant 232.9 feet measured Southeasterly South 63 degrees 55 minutes East on and along said center line from its point of intersection with the West line of said Section 2, said point of intersection being also 503.2 feet bearing South of the Meander Corner between Section 3 and said Section 2, as measured on said West line thereof; thence bearing South 8 degrees 22 minutes West a distance of 202.75 feet to a point; thence bearing South parallel with said West line a distance of 70.5 feet to a point; thence bearing South 88 degrees 28 minutes East a distance of 73 feet to the point of beginning of the tract herein described. From said point of beginning continuing South 88 degrees 28 minutes East a distance of 93 feet to a point; thence bearing North 8 degrees 22 minutes East a distance of 157 feet more or less to a point on the North line of said Lot 2; thence Northwesterly on and along said North line to a point that is bearing North 9 degrees 42 minutes East from the point of beginning; thence bearing South 9 degrees 42 minutes West a distance of 197 feet more or less to the point of beginning.



SOUTH LINE OF SECTION 3

COUNTY ROAD 8

CHARLEY ARNE ROAD

LAKE AVENUE (COUNTY ROAD 10)

KEVIN DRIVE

SEC 3

SEC 2

SEC 10

REC'D BY  
MBA  
AUG 16 2012

NORTHEAST CORNER SECTION 10



SCALE  
0 150 300

■ PROPOSED ANNEXATION  
— CITY LIMITS

**SEH**  
1200 25TH AVE. S.  
P.O. BOX 1717  
ST. CLOUD, MN  
56304-1717  
PH: 320-229-4300  
WWW.SEHINC.COM

SEH PROJ. NO.  
SHEET 11 OF 12

**EXHIBIT A**

**NOTICE OF INTENT FOR ANNEXATION**

IN THE MATTER OF THE NOTICE OF INTENT FOR THE ANNEXATION  
OF CERTAIN LAND TO THE CITY OF SPICER, MINNESOTA  
PURSUANT TO MINNESOTA STATUTES § 414.033, SUBD. 3

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TO: Green Lake Town Board; and

Office of Administrative Hearings  
Municipal Boundary Adjustment Unit  
P. O. Box 64620  
St. Paul, MN 55164-0620

WHEREAS, the territory described below is not presently within the corporate limits of any incorporated city, and

WHEREAS, the area proposed for annexation is 40 acres or less in size, is 60% or more bordered by land already within the corporate limits of the City of Spicer, and is not appropriate for annexation by ordinance pursuant to Minnesota Statutes § 414.033, Subd. 2(3); and

WHEREAS, the area proposed for annexation is legally described as follows:

See attached **Exhibit A**; and

WHEREAS, the area proposed for annexation abuts upon the corporate limits of the City of Spicer, Minnesota; and

WHEREAS, the area proposed for annexation is unincorporated; surrounded by the corporate limits of the City of Spicer on three of the parcel's four sides; and is not included within any other municipality; and

WHEREAS, the area proposed for annexation is approximately 0.58 acres in size; and

WHEREAS, City water and sewer are available to the Property; and

WHEREAS, the reason for the proposed annexation is to eliminate a pocket of township within the City of Spicer so that there is continuity of land use regulations, city utilities, and city road right-of-way; and

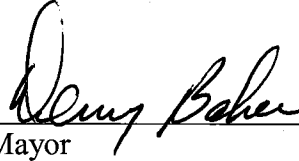
WHEREAS, the nature of the area proposed for annexation is residential consisting of one existing single family residential home in an existing residential neighborhood, with single family homes on both sides of the area proposed for annexation; and

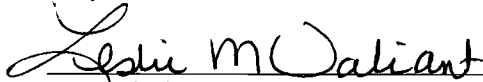
AUG 16 2012

WHEREAS, the area proposed for annexation is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes § 414.0325, nor in any other proceeding currently pending before the Office of Administrative Hearings - Municipal Boundary Adjustment Unit.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF SPICER, MINNESOTA that the City hereby serves a Notice of Intent to annex the above-described property into the corporate limits of the City of Spicer, Minnesota on:  
Green Lake Township in Kandiyohi County; and the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings.

Adopted this 7<sup>th</sup> day of August, 2012

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk/Administrator

**EXHIBIT B****LEGAL DESCRIPTION OF ANNEXED PROPERTY**

That part of Lot 2 of Subdivision of Government Lots 4 and 5 of Section 2, Township 120, Range 34 described as follows, to-wit: Commencing at a point in the center line of the County Road as established prior to 1963, which point is distant 232.9 feet measured Southeasterly South 63 degrees 55 minutes East on and along said center line from its point of intersection with the West line of said Section 2, said point of intersection being also 503.2 feet bearing South of the Meander Corner between Section 3 and said Section 2, as measured on said West line thereof; thence bearing South 8 degrees 22 minutes West a distance of 202.75 feet to a point; thence bearing South parallel with said West line a distance of 70.5 feet to a point; thence bearing South 88 degrees 28 minutes East a distance of 73 feet to the point of beginning of the tract herein described. From said point of beginning continuing South 88 degrees 28 minutes East a distance of 93 feet to a point; thence bearing North 8 degrees 22 minutes East a distance of 157 feet more or less to a point on the North line of said Lot 2; thence Northwesterly on and along said North line to a point that is bearing North 9 degrees 42 minutes East from the point of beginning; thence bearing South 9 degrees 42 minutes West a distance of 197 feet more or less to the point of beginning.

Kandiyohi County, Minnesota

(Liane Hamann, PID: 18-002-0180, approximately 0.58 acres)